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The Honorable James P. Donohue

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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

GERALD LESAN,
Defendant.

NO.

MJ 15-538

COMPLAINT FOR VIOLATION
18 U.S.C. § 2252(a)(4)(B).

BEFORE the Honorable James P. Donohue, Chief United States Magistrate Judge, U. S.
Courthouse, Seattle, Washington.

COUNT 1

Beginning on a date unknown, and no later than November 9, 2015, at Everett,
within the Western District of Washington, and elsewhere, GERALD LESAN did
knowingly possess matter that contained visual depictions the production of which
involved the use of minors engaging in sexually explicit conduct, and the visual
depictions were of such conduct, that had been mailed and shipped and transported in and
affecting interstate and foreign commerce by any means, including by computer, and
which had been produced using materials that had been mailed and shipped and
transported in and affecting interstate and foreign commerce by any means, including by

1 computer, and the images of child pornography involved include images of a
2 prepubescent minor and a minor who had not attained 12 years of age.

3 All in violation of Title 18, United State Code, Section 2252(a)(4) and 2252(b)(2).

4 And the complainant states that this Complaint is based on the following
5 information:

6 I, Jack Kane, having been duly sworn, state as follows:

7 I. INTRODUCTION

8 1. I have been employed as a Special Agent of the FBI since July 2014, and
9 am currently assigned to the Bellingham Resident Agency of the Seattle Division. While
10 employed by the FBI, I have investigated federal criminal violations related to high
11 technology or cybercrime, child exploitation, and child pornography. I have gained
12 experience through training at the FBI Academy and everyday work relating to
13 conducting these types of investigations. I have received training in the area of child
14 exploitation, and have had the opportunity to observe and review numerous examples of
15 child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including
16 computer media.

17 2. The facts set forth in this Complaint are based on the following: my own
18 personal knowledge; knowledge obtained from other individuals during my participation
19 in this investigation, including other law enforcement officers; interviews of witnesses;
20 my review of records related to this investigation; communications with others who have
21 knowledge of the events and circumstances described herein; and information gained
22 through my training and experience. Because this affidavit is submitted for the limited
23 purpose of establishing probable cause in support of a Complaint, it does not set forth
24 each and every fact that I or others have learned during the course of this investigation.

25 II. SUMMMARY OF INVESTIGATION

26 3. "Website A" operated on a network ("the Network") available to Internet
27 users who are aware of its existence. The Network is designed specifically to facilitate
28 anonymous communication over the Internet. In order to access the Network, a user must

1 install computer software that is publicly available, either by downloading software to the
2 user's existing web browser, downloading free software available from the Network's
3 administrators, or downloading a publicly-available third-party application. Using the
4 Network prevents someone attempting to monitor an Internet connection from learning
5 what sites a user visits and prevents the sites the user visits from learning the user's
6 physical location. Because of the way the Network routes communication through other
7 computers, traditional IP identification techniques are not viable.

8 4. Websites that are accessible only to users within the Network can be set up
9 within the Network and "Website A" was one such website. Website A" was a child
10 pornography bulletin board and website dedicated to the advertisement and distribution
11 of child pornography and the discussion of matters pertinent to the sexual abuse of
12 children, including the safety and security of individuals who seek to sexually exploit
13 children online. Accordingly, "Website A" could not generally be accessed through the
14 traditional Internet. Only a user who had installed the appropriate software on the user's
15 computer could access "Website A." Even after connecting to the Network, however, a
16 user had to know the exact web address of "Website A" in order to access it. Websites
17 on the Network are not indexed in the same way as websites on the traditional Internet.
18 Accordingly, unlike on the traditional Internet, a user could not simply perform a Google
19 search for the name of "Website A," obtain the web address for "Website A," and click
20 on a link to navigate to "Website A." Rather, a user had to have obtained the web
21 address for "Website A" directly from another source, such as other users of "Website
22 A," or from online postings describing both the sort of content available on "Website A"
23 and its location. Accessing "Website A" therefore required numerous affirmative steps
24 by the user, making it extremely unlikely that any user could have simply stumbled upon
25 "Website A" without first understanding its content and knowing that its primary purpose
26 was to advertise and distribute child pornography.

27 5. The Network's software protects users' privacy online by bouncing their
28 communications around a distributed network of relay computers run by volunteers all

1 around the world, thereby masking the user's actual IP address which could otherwise be
2 used to identify a user.

3 6. The Network also makes it possible for users to hide their locations while
4 offering various kinds of services, such as web publishing, forum/website hosting, or an
5 instant messaging server. Within the Network itself, entire websites can be set up which
6 operate the same as regular public websites with one critical exception - the IP address
7 for the web server is hidden and instead is replaced with a Network-based web address.
8 A user can only reach such sites if the user is using the Network client and operating in
9 the Network. Because neither a user nor law enforcement can identify the actual IP
10 address of the web server, it is not possible to determine through public lookups where
11 the computer that hosts the website is located. Accordingly, it is not possible to obtain
12 data detailing the activities of the users from the website server through public lookups.

13 7. According to data obtained from logs on "Website A," pursuant to the
14 investigation, a user with the user name "RandomUserName67" engaged in the following
15 activity on "Website A."

16 8. The profile page of user "RandomUserName67" indicated this user
17 originally registered an account on "Website A" on March 5, 2015. Profile information
18 on "Website A" may include contact information and other information that is supplied
19 by the user. It also contains information about that user's participation on the site,
20 including statistical information about the user's posts to the site and a categorization of
21 those posts. According to the user "RandomUserName67's" profile, this user was a
22 Newbie Member of "Website A." Further, according to the Statistics section of this
23 user's profile, the user "RandomUserName67" had been actively logged into the website
24 for a total of .71 hours on March 5, 2015.

25 9. According to data obtained from logs on "Website A," monitoring by law
26 enforcement, and deployment of a law enforcement tool to identify the IP address being
27 used by the user "RandomUserName67", on March 5, 2015, the user
28 "RandomUserName67" engaged in the following activity on "Website A" from IP

1 address 50.46.97.80. During the session described below, this user browsed "Website A"
2 after logging into "Website A" with a username and a password.

3 10. On March 5, 2015, the user "RandomUserName67" with IP address
4 50.46.97.80 accessed the post entitled "Pedo Archaeology – INGA {KG, KS, KX)".
5 Among other things, this post contained a link to a video. The author of the post also
6 included the comment, "She was my first pedo obsession!". Another user commented, in
7 part, "She still IS my obsession! Her massive amount of content that never appeared in
8 public is worth a bucket full of cum, at least.... I learned that everytime Kindergarten
9 comes up at a board, I get something new... again true here...."

10 11. During the following additional sessions, the user "RandomUserName67"
11 also browsed "Website A" after logging into "Website A" with a username and
12 password. During these sessions, the user's IP address information was not collected.

13 a. On March 5, 2015, the user "RandomUserName67" accessed post 7362
14 that contained links to images. Two of those images are described
15 below, which I have viewed. Both images feature an Hispanic juvenile
16 female approximately 6 to 9 years old, based upon the lack of hip
17 development, the lack of breast development, lack of pubic hair, overall
18 body size, and facial features. The juvenile female is wearing only a red
19 sleeveless dress that is pushed up over her abdomen. The first picture
20 depicts the juvenile female on her back with her legs spread, exposing
21 her vagina. An adult male is standing in front of her and engaged in
22 anal sex with her. The picture is taken from the perspective of the adult
23 male. There is a time stamp in the corner of the picture that reads, "08
24 06 2014". The second picture depicts the juvenile female bent over on
25 her knees. The adult male is standing behind her, and engaged in anal
26 sex with her. His hand is on her back. The picture is taken from the
27 perspective of the adult male. There is a time stamp in the corner that
28 read, "08 06 2014".

12. On March 5, 2015, the user "RandomUserName67" accessed post 18198 that contained a link to an image that I have viewed that depicted a naked juvenile Asian female approximately 4 to 6 years old, based upon the lack of hip development, lack of breast development, over all body size, and facial features. The picture depicts the juvenile female standing in a bathtub filled with water. The juvenile female is wearing a harness of black straps with silver buckles. The straps encircle her neck, then run vertically down the center of her body and between her legs, obscuring her vaginal area. There are two straps that run horizontally across her ribs, and another than runs horizontally across her hips. Each of the juvenile female's wrists are bound with black straps that are suspended above her head, forcing her arms over and to the outside of her head.

13. Using publicly available websites, FBI Special Agents were able to determine that the above IP Address on March 5, 2015 at 2:25 UTC was operated by the Internet Service Provider ("ISP") Frontier Communications.

14. In March 2015, an administrative subpoena/summons was served to Frontier Communications requesting information related to the user who was assigned to the above IP address. According to the information received from Frontier Communications, GERALD LESAN is receiving Internet service at the address of the SUBJECT PREMISES with an installation date of November 20, 2007. Internet service was current as March 5, 2015, at the aforementioned premises.

15. A search of CLEAR information database (a public records database that provides names, dates of birth, addresses, associates, telephone numbers, email addresses, etc.) was conducted for GERALD LESAN. These public records indicated that LESAN's current address is 15009 50th Avenue SE, Everett, WA.

16. On November 3, 2015, I obtained a Federal search warrant for the 15009 50th Avenue SE, Everett, WA address from United States Magistrate Judge Dean Brett.

17. On November 9, 2015, the Federal search warrant was executed by FBI special agents at 15009 50th Avenue SE, Everett, WA.

1 18. After the search was concluded, items seized were brought back to the FBI
2 Seattle Office for a forensic preview. During the initial review, files containing child
3 erotica and child pornography were discovered on a hard drive that was located in a
4 computer tower found in GERALD LESAN's bedroom during the search. Below are
5 three examples of images contained on the hard drive that I have reviewed:

- 6 a. An image titled "B18D.tmp" depicting a minor female under the age of
7 12 engaging in oral sex with a penis against her lips and partially in her
8 mouth. My estimate of the age of the minor victim is based on her lack
9 of physical development, lack of breast development, and overall body
10 size.
- 11 b. An image titled "B187D.tmp" depicting a minor female under the age of
12 12 lying on her back with her legs spread apart and using the fingers of
13 her right hand to expand the labia of her vagina, exposing the inner
14 portion of her vagina in the image. My estimate of the age of the minor
15 victim is based on her lack of pubic hair, lack of physical development,
16 and lack of breast development.
- 17 c. An image titled "B100D.tmp", depicting a minor female under the age
18 of 12 on her hands and knees with her butt in the air, and exposing her
19 vaginal area and anal area in the image. The female in the picture is
20 looking back over her right shoulder towards the camera. My estimate
21 of the age of the minor victim is based on her lack of pubic hair, lack of
22 physical development, lack of breast development, and overall body
23 size.

24 19. The images were located on a Seasonic desk top computer tower. This
25 digital device was not manufactured in the state of Washington.

26 CONCLUSION

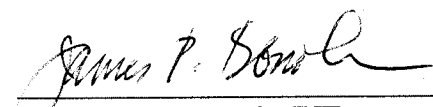
27 20. Based on the above facts, I respectfully submit that there is probable cause
28 to believe that GERALD LESAN did knowingly and unlawfully possess child

1 pornography, in violation of Title 18, United States Code, Section 2252(a)(4)(B).
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5 _____
6 Jack Kane, Complainant
7 Special Agent, FBI

8 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
9 presence, the Court hereby finds that there is probable cause to believe the Defendant
10 committed the offense set forth in the Complaint.
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12 Dated this 25th day of November, 2015.
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16 JAMES P. DONOHUE
17 Chief United States Magistrate Judge
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